

respectfully requested.

Claim 10 is objected to because of an informality. The claim is amended to obviate the rejection. Withdrawal of the rejection is respectfully requested.

Claims 2 and 4-8 are rejected under 35 U.S.C. 112, second paragraph. The claims are amended to obviate the rejection. Withdrawal of the rejection is respectfully requested.

Claims 1-4, 9-12 and 18 are rejected under 35 U.S.C. 102(b) as anticipated by Green (U.S. Patent No. 1,934,706). The rejection is respectfully traversed.

Green teaches a claw hammer that includes a pair of claws with a recess facing the claws and formed in a neck of hammer head for receiving a head of a nail. As shown in Figure 1, it appears that the head-receiving recess is partially hemispherical in configuration.

Claims 1 and 10 are directed to nail-setting claw hammer heads that include a main body having a nail-head receiving recess formed therein. Claims 1 and 10 recite that the nail-head receiving recess is one of partially conically shaped and partially pyramidally shaped.

It is respectfully submitted that rejection is improper because the applied art fails to teach each element of claims 1 and 10. Specifically, it is respectfully submitted that the applied art fails to teach a nail-head receiving recess being one of partially conically shaped and partially pyramidally shaped. Thus, it is respectfully submitted that claims 1 and 10 are allowable over the applied art.

Claims 2, 4 and 9 depend from claim 1 and include all of the features of claim 1. Claims 11 and 18 depend from claim 10 and include all of the features of claim 10. Thus, the dependent claims are allowable at least for the reasons the independent claims are allowable as well as for the features they recite.

Claims 3 and 12 are canceled and therefore the rejection as applied to these claims is now moot.

Withdrawal of the rejection is respectfully requested.

As stated above, the Examiner indicates allowable subject matter in claims 5-8 and 13-17 if rewritten in independent form including all of limitations of the base claim

and any intervening claims. Claims 5 and 13 are amended as independent claims that incorporate the features of the base claims and any intervening claims. Therefore, independent claims 5 and 13 as well as claims 6-8 and 14-16 that depend respectively therefrom are allowable over the applied art.

In view of the foregoing, reconsideration of the application and allowance of the pending claims are respectfully requested. Should the Examiner believe anything further is desirable in order to place the application in even better condition for allowance, the Examiner is invited to contact Applicants' representative at the telephone number listed below.

Should additional fees be necessary in connection with the filing of this paper or if a Petition for Extension of Time is required for timely acceptance of the same, the Commissioner is hereby authorized to charge Deposit Account No. 18-0013 for any such fees and Applicant(s) hereby petition for such extension of time.

Respectfully submitted,

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Enclosure(s):      Appendix I (Marked-Up Version of Amended Specification )  
                         Appendix II (Marked-Up Version of Amended Claims)

## **APPENDIX I**

### **(MARKED-UP VERSION OF AMENDED SPECIFICATION)**

On Page 1, Paragraph 0001:

[0001] This application claims the benefit of U.S. Provisional Application No. 60/086,181, filed May 20, 1998 and U.S. Non-Provisional Application Serial No. 09/313,569 filed May 3, 1999. This application is a Continuation-In-Part of U.S. Non-Provisional Application Serial No. 09/313,569 filed May 3, 1999, now U.S. Patent No. 6,299,136.

On Page 9, Paragraph 0047:

[0047] One of ordinary skill in the art would appreciate that the nail-head receiving recess 28 can be configured in a variety of shapes. However, it is preferred that the first embodiment of the nail-setting claw hammer head 50 of the invention has a partially conically-shaped configuration as best shown in Figs. 8, 9 and 16. Fig. 9 illustrates pictorially what is meant by a partially conically-shaped nail-head receiving recess. More particularly, the nail-head receiving recess 28 includes a curved surface 76 and a flat surface 78. The curved surface 76 curves generally about a conical axis C (Figs. 9 and 16) which extends generally parallel with the vertical axis V. The flat surface 78 intersects the curved surface 76 along a curved edge 80, from a vertical perspective along the vertical axis V. The flat surface 78 is disposed between the curved surface ~~78-76~~ and the point of intersection P. In other words, the flat surface 78 is positioned closer to the top surface 62 of the nail-setting claw hammer head 50 of the invention. This provides a inverse ramp like void which progressively becomes wider and deeper. The head of the nail is held at the deepest position possible in a wedging like effect.

On Page 9, Paragraph 0048:

[0048] A second embodiment of a nail-setting claw hammer head 150 is shown in Figs. 10 and 11. The second embodiment of the nail-setting claw hammer head 150 of

the invention is identical to the first embodiment of the nail-setting claw hammer head 50 of the invention except for the configuration of the nail-head receiving recess 128. The second exemplary embodiment of the nail-setting claw hammer head 150 of the invention has a hemispherically-shaped nail-head receiving recess 129. As a result, its opening ~~124~~174 is circular. This provides a progressively deepening void in which the head of the nail is held at the deepest position possible and where the head of the nail will be self-centered with no lateral movement possible.

## **APPENDIX II**

### **(MARKED-UP VERSION OF AMENDED CLAIMS)**

1. (Twice Amended) A nail-setting claw hammer head, comprising:  
a main body disposed along and about a horizontal axis, a vertical axis and a transverse axis which intersect one another perpendicularly at a point of intersection to define a center of mass, the main body having a top surface and a rear surface with the rear surface including a nail-head receiving recess formed therein; and a claw connected to the rear surface of the main body at a first end and forming a fulcrum surface with the top surface, the claw curving about the point of intersection and disposed apart from the rear surface, the claw terminating at a second end opposite the first end with a pair of claw sections defining a V-shaped slot therebetween, the nail-head receiving recess being positioned to face the V-shaped slot, wherein the nail-head receiving recess is one of partially conically shaped and partially pyramidally shaped.

2. (Amended) A nail-setting claw hammer head according to claim 1, wherein the nail-head receiving recess is positioned vertically on <sup>the rear face</sup> (the rear face) of the main body relative to the curvature of the claw so that the longitudinal axis of a nail is substantially parallel to the horizontal axis and substantially perpendicular to the ~~lateral~~ transverse axis and the vertical axis of the main body when a shank of the nail is held by the V-shaped slot in the claw and a head of the nail is held by the nail-head receiving recess.

4. (Amended) A nail-setting claw hammer head according to claim 1, wherein the partially conically shaped nail-head receiving recess has a curved surface curving about ~~the longitudinal~~ a conical axis extending generally parallel with the vertical axis and a flat surface intersecting the curved surface.

5. (Amended) A nail-setting claw hammer head ~~according to claim 4,~~

wherein, comprising:

a main body disposed along and about a horizontal axis, a vertical axis and a transverse axis which intersect one another perpendicularly at a point of intersection to define a center of mass, the main body having a top surface and a rear surface with the rear surface including a nail-head receiving recess formed therein; and a claw connected to the rear surface of the main body at a first end and forming a fulcrum surface with the top surface, the claw curving about the point of intersection and disposed apart from the rear surface, the claw terminating at a second end opposite the first end with a pair of claw sections defining a V-shaped slot therebetween, the nail-head receiving recess being positioned to face the V-shaped slot,

wherein the nail-head receiving recess has a curved surface curving about (the longitudinal axis) and a flat surface intersecting the curved surface and the flat surface is disposed between the curved surface and the point of intersection.

10. (Amended) A nail-setting claw hammer head for holding a conventional nail having a shank portion and a nail head portion connected to the shank portion, the nail-setting claw hammer head comprising:

a main body disposed along and about a horizontal axis, a vertical axis and a transverse axis which intersect one another perpendicularly at a point of intersection to define a center of mass, the main body having a front surface, a top surface and a rear surface with the rear surface including a nail-head receiving recess formed therein;

an impact member connected to and projecting from the front surface, the impact member having a neck and a hammer face; and

a claw connected to the rear surface of the main body at a first end and forming a fulcrum surface with the top surface, ~~he the~~ claw curving about the point of intersection and disposed apart from the rear surface, the claw terminating at a second end opposite the first end with a pair of claw sections defining a V-shaped slot therebetween, the nail-head receiving recess positioned to face the V-shaped slot such

that the nail-head receiving recess is sized and adapted to receive the nail head portion of the nail and the V-shaped slot is sized and adapted to receive the shank portion of the nail in order to wedge the shank portion therein,

wherein the nail-head receiving recess is one of partially conically shaped and partially pyramidally shaped.

13. (Amended) A nail-setting claw hammer head ~~according to claim 10 for holding a conventional nail having a shank portion and a nail head portion connected to the shank portion, the nail-setting claw hammer head comprising:~~

a main body disposed along and about a horizontal axis, a vertical axis and a transverse axis which intersect one another perpendicularly at a point of intersection to define a center of mass, the main body having a front surface, a top surface and a rear surface with the rear surface including a nail-head receiving recess formed therein;

an impact member connected to and projecting from the front surface, the impact member having a neck and a hammer face; and

a claw connected to the rear surface of the main body at a first end and forming a fulcrum surface with the top surface, the claw curving about the point of intersection and disposed apart from the rear surface, the claw terminating at a second end opposite the first end with a pair of claw sections defining a V-shaped slot therebetween, the nail-head receiving recess positioned to face the V-shaped slot such that the nail-head receiving recess is sized and adapted to receive the nail head portion of the nail and the V-shaped slot is sized and adapted to receive the shank portion of the nail in order to wedge the shank portion therein, wherein the nail-head receiving recess has a curved surface curving about a conical axis extending generally parallel with the vertical axis and a flat surface intersecting the curved surface.